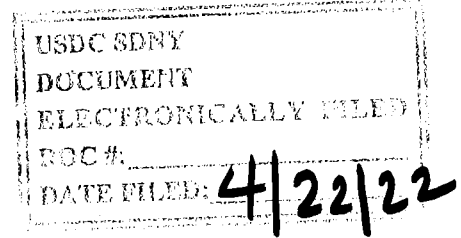


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
WILLIAM RAYMOND POWERS,  
Plaintiff,

v.

AVA ZELENETSKY and ZELENETSKY AND  
ASSOCIATES,  
Defendants.  
-----X**ORDER**

21 CV 4651 (VB)

Copies Mailed/Taxed  
Chambers of Vincent L. Briccetti4/22/22  
DA

By Order dated February 15, 2022, the Court set out the procedural history of this case and, provided defendants had not answered, moved, or otherwise responded to the complaint, directed plaintiff to (i) seek a certificate of default by March 17, 2022, and (ii) file a motion for default judgment against defendants by March 31, 2022. (Doc. #11).

Although plaintiff filed a proposed clerk's certificate of default on March 28, 2022, the Clerk rejected plaintiff's filing as deficient on same date. (Doc. #12). Therefore, plaintiff failed to meet either deadline in the Court's February 15 Order.

Consequently, on April 8, 2022, the Court issued another Order sua sponte extending plaintiff's time to (i) seek a certificate of default to April 15, 2022, and (ii) file a motion for default judgment against defendants to April 29, 2022. (Doc. #13). To date, plaintiff has not complied with the Court's April 8 Order. In fact, except for the deficient proposed clerk's certificate of default, the only filings and/or communications plaintiff has made in this case are the complaint (Doc. #1), filed on May 24, 2021, and the Application to Proceed Without Prepaying Fees or Costs (Doc. #3), filed on June 21, 2021.

Each of the Court's February 15 Order and April 8 Order warned plaintiff in bold typeface that this case would be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for

failure to prosecute if plaintiff failed to comply with the deadlines set forth in each Order.

Moreover, each Order was mailed to plaintiff at the address on the docket.

Accordingly, having considered all of the factors set forth in Lucas v. Miles, 84 F.3d 532 (2d Cir. 1996), the Court dismisses this case pursuant to Fed. R. Civ. P. 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

The Clerk is instructed to close this case.

Dated: April 22, 2022  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge